FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL **DECLARATIONS**

RULE 63 (37 C.F.R. 1.63) DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW **FORM**

As a below named inventor. Thereby declare that my residence, post office address and citizenship

	believe I am the ori below) of the subject								
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2004	the spi X A. □ i BOX(ES) → B S → → C	s attached her . 🔯 was filed	eto. on <u>September 1</u>	9_, 2003	as U.S. Application N n No. PCT//	0.10/66	55,977		
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- 2437	I hereby state that I ha	ve reviewed and	understand the contents	of the above ident	ified specification, includin	a the claims	s amonded by a	nou amandmant	
OEBE	foreign priority benefits Application which design certificate, or PCT Inte	under 35 U.S.C under 35 U.S.C gnated at least o mational Applica	ose all information knowl 119(a)-(d) or 365(b) of a ne other country than the stion, filed by me or my as	n to me to be mater any foreign applica e United States, liste ssignee disclosing t	inition appeniability as defin tion(s) for patent or invente ed below and have also id the subject matter claimed iling date of this application	ed in 37 C.F.F or's certificate, entified below in this applica	R. 1.56. Except a or 365(a) of any	as noted below, PCT Internation	I hereby cl nai
	PRIOR FOREIGN A	PPLICATION	<u>(S)</u>		Date first Laid-	Da	te Patented		
	<u>Number</u>	Country	Day/MON7	H/Year Filed	open or Publis		or Granted	Priority N	OT Claim
	If more prior foreign s	pplications, X	box <i>at bottom</i> and cont	inue on at≀ached i	pave.				
	application is in addition	cations listed ab	ove or below and, it this i ed in such prior applicatio	s a continuation-in- ns. I acknowledge	9(e) or 120 and/or 365(c) or part (CIP) application, ins the duty to disclose all infouch prior application and the prior application and the second	ofar as the sul	bject matter discl	losed and claim	ed in this
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FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

RULE 63 (37 C.F.R. 1.63) DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PW FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are taked P

th	e specification of wh	nich (CHECK applicable E	BOX(ES))	·		
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BOX(ES) →				U.S. Application No.	10/665,97	7 3
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		oplication) was amended				· · · · ·
above. I acknowl foreign priority be Application which certificate, or PC1	edge the duty to disclonefits under 35 U.S.C. designated at least or International Applicat	ose all information known to r 119(a)-(d) or 365(b) of any f ne other country than the Uni	ne to be material to oreign application(ted States, listed book see disclosing the s	o patentability as defined in 3 (s) for patent or inventor's cel below and have also identified subject matter claimed in this	37 C.F.R. 1.56. Except tificate, or 365(a) of ar I below any foreign ap	any amendment 160 gest and a sorted below, I hereby claim by PCT International plication for patent or inventor's g a filing date (1) before that of
PRIOR FOREIG	ON APPLICATION	(S)		Date first Laid-	Date Patented	
Number	Country	Day/MONTH/Y	ear Filed	open or Published	or Granted	Priority NOT Claimed
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PCT international application is in a	applications listed abo ddition to that disclose	ove or below and, if this is a d d in such prior applications, l	ontinuation-in-par acknowledge the	or 120 and/or 365(c) of the it (CIP) application, insofar at duty to disclose all informatic prior application and the nati	s the subject matter dis on known to me to be n	naterial to patentability as
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				the attached page t		ional inventor.
∐ See addit	ional foreign pri	iorities on attached p	age (incorpo	orated herein by refe	rence).	
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DECLARATION AND POWER OF ATTORNEY (continued) **ADDITIONAL INVENTORS** (3) INVENTOR'S SIGNATURE: Date: White Alexander Charles Failing Middle Initial First Fairfield CA USA City State/Foreign Country Country of Citizenship Post Office Address (include Zip Code) (4) INVENTOR'S SIGNATURE: Monteen Bjorn First Middle Initial **Family Name** San Rafael CA USA Son State/Foreign Country City Country of Citizenship Post Office Address 7130 r #307 (include Zip Code)

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DECLARATION AND POWER OF ATTORNEY

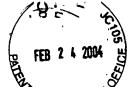
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Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) PATENT AND TRADEMARK CASES - RULES OF PRACTICE DUTY OF DISCLOSURE

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PAT-116 5/02

(a) ...Each individual associated with the filing and prosecution of a patent application has a dity of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
 - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) (1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or
 - before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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^{*} Six months for Design Applications (35 U.S.C. 172).